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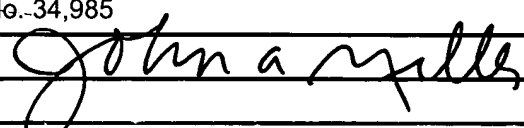
|                        |                      |
|------------------------|----------------------|
| Application Number     | 09/740,585           |
| Filing Date            | 12-18-2000           |
| First Named Inventor   | Jeffrey Morgan Alden |
| Art Unit               | 2178                 |
| Examiner Name          | Joshua D. Campbell   |
| Attorney Docket Number | GP-300849            |

Total Number of Pages in This Submission

## ENCLOSURES (Check all that apply)

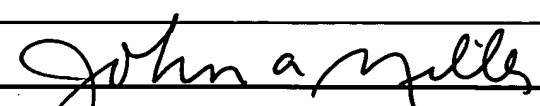
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| <input checked="" type="checkbox"/> After Final                              | <input type="checkbox"/> Petition to Convert to a Provisional Application  | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  | <input type="checkbox"/> Status Letter   |
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| <input type="checkbox"/> Certified Copy of Priority Document(s)              | Remarks  |  |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    | Applicant believes no fee to be due for the attached filing, however, should additional fees be due in order to prevent the abandonment of this application, please consider this as authorization to charge Deposit Account No. 501612 (Warn, Hoffmann, Miller & LaLone, P.C.) for any such fees due. A duplicate copy of this document is enclosed for this purpose. |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |  |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |  |  |  |
|-------------------------|--|--|--|
| Firm or Individual name | Warn, Hoffmann, Miller & LaLone, P.C.<br>John A. Miller - Reg No. 34,985             |  |  |
| Signature               |  |  |  |
| Date                    | 8-26-04  |  |  |

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| Typed or printed name | John A. Miller - Reg No. 34,985  |      |         |
| Signature             |  | Date | 8-26-04 |

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/740,585  
Filing Date: December 18, 2000  
Applicant: Jeffrey Morgan Alden  
Group Art Unit: 2178  
Examiner: Joshua D. Campbell  
Title: FUNCTIONAL VISUALIZATION OF SPREADSHEETS  
Attorney Docket: GP-300849

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**RESPONSE TO FINAL OFFICE ACTION**

This is a Response to the Final Office Action mailed August 12, 2004. Please consider the remarks below.

Claims 1-22 remain pending in this application, all of which stand rejected under 35 USC §103(a) as being unpatentable over the Brandywine Spreadsheet xlNavigator Webpage in view of US Patent No. 6,041,360 issued to Himmel et al.

In view of the following remarks, this rejection is traversed and reconsideration of this application is respectfully requested.

Applicant reserves the right to swear behind the Brandywine reference if an advisory action is issued.

The Brandywine Spreadsheet xlNavigator Webpage shows a Microsoft Excel Spreadsheet and a visual representation of the spreadsheet similar to an influence

diagram. In response to the first Office Action, Applicant argued that Brandywine does not teach or suggest maintaining a functional equivalence between the spreadsheet and the visual representation, where changes to the spreadsheet are automatically updated in the visual representation and changes to the visual representation are automatically updated in the spreadsheet. Particularly, the Brandywine xINavigator does not allow any direct changes to the visual display, but requires that the update box be clicked to show changes in the visual display already made to the spreadsheet.

It is believed that the Examiner agrees that Brandywine does not teach this feature of Applicant's claimed invention. It appears that the Examiner has applied Himmel et al. to teach this feature of Applicant's invention, specifically directing Applicant's attention to the Summary of the Invention section of Himmel et al. Applicant submits that nothing in that section of Himmel et al. teaches or suggests spreadsheets or visual displays of spreadsheets.

As the Examiner correctly notes, Himmel et al. discloses a method for automatically updating a internet bookmark that is used to access a webpage by detecting changes in the webpage data. From this, the Examiner concluded that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Brandywine with the method of Himmel et al. because it would have guaranteed the user would always be viewing the correct up-to-date information."

Applicant respectfully submits that the Examiner has improperly combined the teachings of Brandywine and Himmel et al. to hold that Applicant's independent claims are *prima facie* obvious. MPEP 2143 states that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Also, there must be a reasonable expectation of success. Further, the prior art reference or references must teach or suggest all of the claim limitations. MPEP 2143.01 states that there are three possible sources for a motivation to combine references. These sources include the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art.

Applicant submits that their claimed method of automatically maintaining a functional equivalence between a spreadsheet and a visual representation of the spreadsheet is beyond the scope and teachings of Brandywine because the Brandywine software xlNavigator does not teach one of skill in the art how to automatically update the visual representation when changes are made to the spreadsheet and allow changes to be made directly to the visual representation that are then automatically shown in the spreadsheet. Applicant's algorithms that perform these functions are more detailed and well beyond what is fairly taught or suggested by Brandywine.

Himmel et al. only teaches updating a dynamic bookmark stored in a web browser, and has nothing to with a spreadsheet or a visual representation of the spreadsheet. Applicant respectfully submits that nothing taught or suggested by Himmel et al. would lead one of ordinary skill in the art to modify the Brandywine xlNavigator program to automatically make changes to the visual representation in response to changes to the spreadsheet, and allow changes to the visual representation that are then automatically shown in the spreadsheet. Applicant submits that automatically updating a dynamic bookmark in a web browser is completely different and unrelated to maintaining a functional equivalence between a spreadsheet and a visual representation of the spreadsheet.

Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness because there is no motivation or suggestion to combine the teachings of Brandywine and Himmel et al. Further, Applicant submits that the Examiner has not established a *prima facie* case of obviousness because Brandywine and Himmel et al. do not teach or suggest all of the claim limitations. Particularly, neither Brandywine nor Himmel et al. teach or suggest automatically updating a visual display of a spreadsheet in response to changes made to the spreadsheet, or automatically updating a spreadsheet in response to changes made to a visual display of the spreadsheet. Therefore, Applicant submits that all of the claim limitations have not been met.

In view of the preceding remarks, it is respectfully requested that the §103(a) rejection be withdrawn.

It is now believed that this application is in condition for allowance. If the Examiner believes that personal contact with Applicant's representative would expedite prosecution of this application, he is invited to call the undersigned at his convenience.

Respectfully submitted,

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